House File 2124 - Introduced

HOUSE FILE 2124
BY ANDERSON

A BILL FOR

- 1 An Act exempting certain animals from requirements relating to
- 2 rabies vaccinations, and making penalties applicable.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

- 1 Section 1. NEW SECTION. 351.1 Definitions.
- 2 As used in this chapter, unless the context otherwise
- 3 requires:
- 4 1. "Department" means the department of agriculture and land
- 5 stewardship.
- 6 2. "Rabies security certificate" means a rabies vaccination
- 7 certificate or rabies vaccination exemption certificate issued
- 8 as evidence of compliance with rabies security requirements as
- 9 provided in section 351.24.
- 10 3. "Rabies security tag" means a rabies vaccination tag
- 11 or rabies vaccination exemption tag issued as evidence of
- 12 compliance with rabies security requirements as provided in
- 13 section 351.24.
- 14 Sec. 2. NEW SECTION. 351.24 Evidence of compliance with
- 15 rabies security requirements certificates and tags.
- 16 l. A veterinarian licensed under chapter 169 shall issue
- 17 evidence of compliance with requirements for rabies security to
- 18 the owner of a dog or other animal as provided in this chapter
- 19 and as required by the department under this chapter or by a
- 20 local board of health under section 351.41.
- 21 2. The evidence of compliance with requirements for rabies
- 22 security must be one of the following:
- 23 a. A rabies vaccination certificate and rabies vaccination
- 24 tag which are proof that the dog or other animal has received a
- 25 vaccination for rabies as provided in this chapter.
- 26 b. A rabies vaccination exemption certificate and rabies
- 27 vaccination exemption tag which provide that the dog or
- 28 other animal is not required to receive a rabies vaccination
- 29 otherwise required under this chapter. A veterinarian must
- 30 have examined the owner's dog or other animal and determined
- 31 that a rabies vaccination would threaten the life or seriously
- 32 impair the health of the dog or other animal.
- 33 3. A rabies vaccination certificate must be clearly
- 34 distinguishable from a rabies vaccination exemption certificate
- 35 and a rabies vaccination tag must be clearly distinguishable

- 1 from a rabies vaccination exemption tag.
- 2 4. A rabies security tag issued pursuant to this section
- 3 must at all times be attached to the collar of the dog for which
- 4 it was issued.
- 5 Sec. 3. Section 351.25, Code 2014, is amended to read as
- 6 follows:
- 7 351.25 Dog as property.
- 8 All dogs under six months of age, and all dogs over said age
- 9 and wearing a collar attached with a valid rabies vaccination
- 10 security tag attached to the collar, shall be deemed property.
- 11 Dogs not provided with a rabies vaccination security tag shall
- 12 not be deemed property.
- 13 Sec. 4. Section 351.26, Code 2014, is amended to read as
- 14 follows:
- 15 351.26 Right and duty to kill untagged dog.
- 16 It shall be lawful for any person, and the duty of all peace
- 17 officers within their respective jurisdictions unless such
- 18 jurisdiction shall have otherwise provided for the seizure
- 19 and impoundment of dogs, to kill any dog for which a rabies
- 20 vaccination security tag is required, when the dog is not
- 21 wearing a collar attached with a rabies vaccination security
- 22 tag attached.
- 23 Sec. 5. Section 351.27, Code 2014, is amended to read as
- 24 follows:
- 25 351.27 Right to kill tagged dog.
- 26 It shall be lawful for any person to kill a dog, wearing
- 27 a collar attached with a rabies vaccination security tag
- 28 attached, when the dog is caught in the act of chasing,
- 29 maiming, or killing any domestic animal or fowl, or when such
- 30 dog is attacking or attempting to bite a person.
- 31 Sec. 6. Section 351.33, Code 2014, is amended to read as
- 32 follows:
- 33 351.33 Rabies vaccination requirement exceptions.
- 1. Every owner of a dog shall obtain a rabies vaccination
- 35 for such animal. It shall be unlawful for any person to own or

- 1 have a dog in the person's possession,
- 2. Subsection 1 does not apply to a dog which is any of the
- 3 following:
- 4 a. Less than six months of age or over, which has not been
- 5 vaccinated against rabies.
- 6 b. Dogs kept Kept in kennels a kennel and not allowed
- 7 to run at large shall not be subject to these vaccination
- 8 requirements.
- 9 c. Issued a current rabies vaccination exemption certificate
- 10 and rabies vaccination exemption tag as provided in section
- 11 351.24.
- 12 Sec. 7. Section 351.35, Code 2014, is amended to read as
- 13 follows:
- 14 351.35 How and when Method of vaccination frequency —
- 15 expiration of exemption.
- 16 1. The A rabies vaccination required by section 351.33
- 17 shall be an injection of antirabies vaccine approved by the
- 18 state department of agriculture and land stewardship, and the
- 19 frequency of revaccination necessary for approved vaccinations
- 20 shall be as established by such the department. The vaccine
- 21 shall be administered by a licensed veterinarian and shall be
- 22 given as approved by the state department of agriculture and
- 23 land stewardship. The veterinarian shall issue a tag with the
- 24 certificate of vaccination, and such tag shall at all times be
- 25 attached to the collar of the dog.
- 26 2. A rabies vaccination exemption certificate and rabies
- 27 vaccination exemption tag as provided in section 351.24 expire
- 28 one year from the date of issuance. The vaccination exemption
- 29 certificate and rabies vaccination exemption tag may be renewed
- 30 on the same terms and conditions as originally issued.
- 31 Sec. 8. Section 351.37, Code 2014, is amended to read as
- 32 follows:
- 33 351.37 Dogs running at large impoundment disposition.
- 34 1. A dog shall be apprehended and impounded by a local board
- 35 of health or law enforcement official if the dog is running at

- 1 large and the dog is not wearing a valid rabies vaccination
- 2 <u>security</u> tag or a rabies vaccination <u>security</u> certificate is
- 3 not presented to the local board of health or law enforcement 4 official.
- 5 2. The local board of health or law enforcement official
- 6 shall provide written notice to the owner if the local board of
- 7 health or law enforcement official can reasonably determine the
- 8 owner's name and current address by accessing a tag or other
- 9 device that is on or a part of the dog. The notice shall be
- 10 sent within two days after the dog has been impounded. The
- 11 notice shall provide that if the owner does not redeem the dog
- 12 within seven days from the date that the notice is delivered,
- 13 the dog may be humanely destroyed or otherwise disposed of in
- 14 accordance with law. For purposes of this section, notice is
- 15 delivered when the local board of health or law enforcement
- 16 official mails the notice which may be by regular mail. An
- 17 owner may redeem a dog by having it immediately vaccinated and
- 18 paying the cost of impoundment.
- 19 3. If the owner of the impounded dog fails to redeem the dog
- 20 within seven days from the date of the delivery of the notice
- 21 to the dog's owner as provided in this section, the dog may be
- 22 disposed of in accordance with law. If the dog is destroyed,
- 23 it must be destroyed by euthanasia as defined in section 162.2.
- 24 EXPLANATION
- The inclusion of this explanation does not constitute agreement with
- the explanation's substance by the members of the general assembly.
- 27 BACKGROUND. Generally, a dog must obtain a rabies
- 28 vaccination with exceptions for dogs that are less than six
- 29 months old, dogs kept in kennels and not allowed to run at
- 30 large (Code section 351.33), and dogs that are in transit
- 31 or assigned to research institutions (Code section 351.42).
- 32 Licensed veterinarians, the department of agriculture and land
- 33 stewardship, and local authorities, such as cities, share
- 34 responsibility for regulating and enforcing rabies security
- 35 measures. A veterinarian who administers a rabies vaccination

- 1 must issue a certificate of vaccination and rabies vaccination
- 2 tag to the dog's owner (Code section 351.35), the department
- 3 must set standards for vaccines (Code section 351.35), and a
- 4 local authority has general enforcement authority including the
- 5 power to seize and impound dogs (Code sections 351.26, 351.36,
- 6 351.37, 351.39, and 351.40). In addition, a local authority
- 7 may adopt additional measures to restrict not only dogs but
- 8 other animals (such as cats or ferrets) as necessary to control
- 9 rabies (Code section 351.41).
- 10 NEW EXEMPTION FOR ANIMALS THREATENED BY INJECTIONS. This
- 11 bill provides a new exemption from rabies vaccination
- 12 requirements for animals whose life or health would be
- 13 threatened by a vaccination as determined by a licensed
- 14 veterinarian. The veterinarian making such determination
- 15 must issue a rabies vaccination exemption certificate and
- 16 rabies vaccination exemption tag to the animal's owner. The
- 17 certificate and tag remain valid for one year but may be
- 18 renewed on an annual basis.
- 19 PROVISIONS REMAINING APPLICABLE. Provisions governing dogs
- 20 which have been vaccinated apply to dogs which are exempt from
- 21 vaccination. For example, a person could still kill a dog
- 22 exempt from vaccination requirements for chasing livestock
- 23 just as the person may kill a dog wearing a vaccination tag
- 24 (Code section 351.27). A local authority could apprehend and
- 25 impound a dog running at large even if the dog wore a rabies
- 26 vaccination exemption tag just as it could impound a dog
- 27 running at large without a tag (Code section 351.37).
- 28 CRIMINAL PENALTY. A person who fails to comply with the
- 29 applicable provisions governing rabies vaccination requirements
- 30 is guilty of a simple misdemeanor (Code section 351.43). A
- 31 simple misdemeanor is punishable by confinement for no more
- 32 than 30 days or a fine of at least \$65 but not more than \$625

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33 or by both.